

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES S. LONGSHORE,

Plaintiff,

v.

MASON COUNTY JAIL, et al.,

Defendants.

CASE NO. C12-5457 BHS-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 60), and Plaintiff’s objections to the R&R (Dkt. 64).

On April 8, 2013, Judge Creatura issued the R&R recommending that the Court deny Plaintiff’s motion for entry of a default because Defendants have appeared and answered. Dkt. 60. On April 17, 2013, Plaintiff filed objections arguing that default should be entered because he was not timely served a copy of the answer. Dkt. 64. The Court declines to enter default against parties that have appeared and answered even if they failed to timely serve Plaintiff.

1 Therefore, the Court having considered the R&R, Plaintiff's objections, and the
2 remaining record, does hereby find and order as follows:

- 3 (1) The R&R is **ADOPTED**; and
4 (2) Plaintiff's motion for default is **DENIED**.

5 Dated this 9th day of May, 2013.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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